

**BEFORE THE  
POSTAL REGULATORY COMMISSION**

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Competitive Product Prices  
Priority Mail & First-Class Package Service Contract 200  
Negotiated Service Agreements

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Docket No. CP2021-117

**RESPONSE OF THE PACKAGE SHIPPERS ASSOCIATION IN OPPOSITION TO  
MOTION FOR ACCESS TO NON-PUBLIC MATERIALS**

(May 19, 2022)

The Package Shippers Association (PSA) hereby responds in opposition to the May 12, 2022 Motion of the Strategic Organizing Center (SOC) Requesting Access to Non-Public Materials.

SOC states that it is seeking access to the full, unredacted version of “Contract 200,” which it identifies as a negotiated service agreement (NSA) between the Postal Service and Amazon. PSA cannot confirm whether the contract at issue is Amazon’s, but the identity of the shipper is unimportant as the unredacted version of *any* individual shipper’s service contract contains information of extreme competitive sensitivity.

PSA has not opposed the many requests since the enactment of the Postal Accountability and Enhancement Act for access to USPS non-public financial data when necessary for a party to participate in a Commission proceeding. However, disclosure of confidential NSA information outside of the Commission, even if under protective conditions, would have a chilling effect on the willingness of package shippers to enter into future agreements with the Postal Service and jeopardize the Postal Service’s success in the competitive package delivery market.

Critical to the success of competitive product NSAs has been the Commission’s vigilance in keeping the contents of these agreements confidential. PSA continues to believe that Commission review of NSAs, filed under seal, provides an appropriate

balance that ensures statutory compliance while allowing the Postal Service to compete on an even footing with its competitors.

Flexibility to negotiate and implement deals must include rules that minimize the amount of information that must be publicly disclosed. Undue disclosure will not only put the Postal Service at a competitive disadvantage by allowing its competitors to undercut the negotiated prices, but also deter private companies from doing deals with the Postal Service out of fear that confidential, commercially sensitive information will be made public.

Docket No. RM2007-1, Comments of the Parcel Shippers Association (April 6, 2007) at 22.

Docket No. PI2016-3, Comments of the Parcel Shippers Association (June 14, 2016), at 5.

For these reasons, “[r]evuewing competitive product NSAs is a task that should be performed by the Commission alone...[and the] bar for justifying access to customer-specific NSA information...should be much higher [than for other USPS financial information].” *Ibid.*

Due to the substantial negative effect that granting outside parties access to NSA information would have on the Postal Service’s ability to compete on a level playing field in the package delivery business, PSA urges the Commission to deny SOC’s motion.

Respectfully submitted,

/s/  
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